

106TH CONGRESS  
2D SESSION

# S. 2917

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2000

Referred to the Committee on Resources

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## AN ACT

To settle the land claims of the Pueblo of Santo Domingo.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Santo Domingo Pueblo  
5       Claims Settlement Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) For many years the Pueblo of Santo Do-  
5 mingo has been asserting claims to lands within its  
6 aboriginal use area in north central New Mexico.  
7 These claims have been the subject of many law-  
8 suits, and a number of these claims remain unre-  
9 solved.

10 (2) In December 1927, the Pueblo Lands  
11 Board, acting pursuant to the Pueblo Lands Act of  
12 1924 (43 Stat. 636) confirmed a survey of the  
13 boundaries of the Pueblo of Santo Domingo Grant.  
14 However, at the same time the Board purported to  
15 extinguish Indian title to approximately 27,000  
16 acres of lands within those grant boundaries which  
17 lay within 3 other overlapping Spanish land grants.  
18 The United States Court of Appeals in *United*  
19 *States v. Thompson* (941 F.2d 1074 (10th Cir.  
20 1991), cert. denied 503 U.S. 984 (1992)), held that  
21 the Board “ignored an express congressional direc-  
22 tive” in section 14 of the Pueblo Lands Act, which  
23 “contemplated that the Pueblo would retain title to  
24 and possession of all overlap land”.

25 (3) The Pueblo of Santo Domingo has asserted  
26 a claim to another 25,000 acres of land based on the

1 Pueblo's purchase in 1748 of the Diego Gallegos  
2 Grant. The Pueblo possesses the original deed re-  
3 flecting the purchase under Spanish law but, after  
4 the United States assumed sovereignty over New  
5 Mexico, no action was taken to confirm the Pueblo's  
6 title to these lands. Later, many of these lands were  
7 treated as public domain, and are held today by  
8 Federal agencies, the State Land Commission, other  
9 Indian tribes, and private parties. The Pueblo's law-  
10 suit asserting this claim, Pueblo of Santo Domingo  
11 v. Rael (Civil No. 83-1888 (D.N.M.)), is still pend-  
12 ing.

13 (4) The Pueblo of Santo Domingo's claims  
14 against the United States in docket No. 355 under  
15 the Act of August 13, 1946 (60 Stat. 1049; com-  
16 monly referred to as the Indian Claims Commission  
17 Act) have been pending since 1951. These claims in-  
18 clude allegations of the Federal misappropriation  
19 and mismanagement of the Pueblo's aboriginal and  
20 Spanish grant lands.

21 (5) Litigation to resolve the land and trespass  
22 claims of the Pueblo of Santo Domingo would take  
23 many years, and the outcome of such litigation is  
24 unclear. The pendency of these claims has clouded

1 private land titles and has created difficulties in the  
2 management of public lands within the claim area.

3 (6) The United States and the Pueblo of Santo  
4 Domingo have negotiated a settlement to resolve all  
5 existing land claims, including the claims described  
6 in paragraphs (2) through (4).

7 (b) PURPOSE.—It is the purpose of this Act—

8 (1) to remove the cloud on titles to land in the  
9 State of New Mexico resulting from the claims of  
10 the Pueblo of Santo Domingo, and to settle all of  
11 the Pueblo's claims against the United States and  
12 third parties, and the land, boundary, and trespass  
13 claims of the Pueblo in a fair, equitable, and final  
14 manner;

15 (2) to provide for the restoration of certain  
16 lands to the Pueblo of Santo Domingo and to con-  
17 firm the Pueblo's boundaries;

18 (3) to clarify governmental jurisdiction over the  
19 lands within the Pueblo's land claim area; and

20 (4) to ratify a Settlement Agreement between  
21 the United States and the Pueblo which includes—

22 (A) the Pueblo's agreement to relinquish  
23 and compromise its land and trespass claims;

24 (B) the provision of \$8,000,000 to com-  
25 pensate the Pueblo for the claims it has pur-

1           sued pursuant to the Act of August 13, 1946  
2           (60 Stat. 1049; commonly referred to as the In-  
3           dian Claims Commission Act);

4           (C) the transfer of approximately 4,577  
5           acres of public land to the Pueblo;

6           (D) the sale of approximately 7,355 acres  
7           of national forest lands to the Pueblo; and

8           (E) the authorization of the appropriation  
9           of \$15,000,000 over 3 consecutive years which  
10          would be deposited in a Santo Domingo Lands  
11          Claims Settlement Fund for expenditure by the  
12          Pueblo for land acquisition and other enumer-  
13          ated tribal purposes.

14       (c) **RULE OF CONSTRUCTION.**—Nothing in this Act  
15       shall be construed to effectuate an extinguishment of, or  
16       to otherwise impair, the Pueblo’s title to or interest in  
17       lands or water rights as described in section 5(a)(2).

18       **SEC. 3. DEFINITIONS.**

19       In this Act:

20           (1) **FEDERALLY ADMINISTERED LANDS.**—The  
21       term “federally administered lands” means lands,  
22       waters, or interests therein, administered by Federal  
23       agencies, except for the lands, waters, or interests  
24       therein that are owned by, or for the benefit of, In-  
25       dian tribes or individual Indians.

1           (2) FUND.—The term “Fund” means the Pueb-  
 2           lo of Santo Domingo Land Claims Settlement Fund  
 3           established under section 5(b)(1).

4           (3) PUEBLO.—The term “Pueblo” means the  
 5           Pueblo of Santo Domingo.

6           (4) SANTO DOMINGO PUEBLO GRANT.—The  
 7           term “Santo Domingo Pueblo Grant” means all of  
 8           the lands within the 1907 Hall-Joy Survey, as con-  
 9           firmed by the Pueblo Lands Board in 1927.

10          (5) SECRETARY.—The term “Secretary” means  
 11          the Secretary of the Interior unless expressly stated  
 12          otherwise.

13          (6) SETTLEMENT AGREEMENT.—The term  
 14          “Settlement Agreement” means the Settlement  
 15          Agreement dated May 26, 2000, between the De-  
 16          partments of the Interior, Agriculture, and Justice  
 17          and the Pueblo of Santo Domingo to Resolve All of  
 18          the Pueblo’s Land Title and Trespass Claims.

19 **SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.**

20          The Settlement Agreement is hereby approved and  
 21          ratified.

22 **SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.**

23          (a) RELINQUISHMENT, EXTINGUISHMENT, AND COM-  
 24          PROMISE OF SANTO DOMINGO CLAIMS.—

25               (1) EXTINGUISHMENT.—

1 (A) IN GENERAL.—Subject to paragraph  
2 (2), in consideration of the benefits provided  
3 under this Act, and in accordance with the Set-  
4 tlement Agreement pursuant to which the  
5 Pueblo has agreed to relinquish and com-  
6 promise certain claims, the Pueblo's land and  
7 trespass claims described in subparagraph (B)  
8 are hereby extinguished, effective as of the date  
9 specified in paragraph (5).

10 (B) CLAIMS.—The claims described in this  
11 subparagraph are the following:

12 (i) With respect to the Pueblo's claims  
13 against the United States, its agencies, of-  
14 ficers, and instrumentalities, all claims to  
15 land, whether based on aboriginal or recog-  
16 nized title, and all claims for damages or  
17 other judicial relief or for administrative  
18 remedies pertaining in any way to the  
19 Pueblo's land, such as boundary, trespass,  
20 and mismanagement claims, including any  
21 claim related to—

22 (I) any federally administered  
23 lands, including National Forest Sys-  
24 tem lands designated in the Settle-

1                   ment Agreement for possible sale or  
2                   exchange to the Pueblo;

3                   (II) any lands owned or held for  
4                   the benefit of any Indian tribe other  
5                   than the Pueblo; and

6                   (III) all claims which were, or  
7                   could have been brought against the  
8                   United States in docket No. 355,  
9                   pending in the United States Court of  
10                  Federal Claims.

11                 (ii) With respect to the Pueblo's  
12                 claims against persons, the State of New  
13                 Mexico and its subdivisions, and Indian  
14                 tribes other than the Pueblo, all claims to  
15                 land, whether based on aboriginal or recog-  
16                 nized title, and all claims for damages or  
17                 other judicial relief or for administrative  
18                 remedies pertaining in any way to the  
19                 Pueblo's land, such as boundary and tres-  
20                 pass claims.

21                 (iii) All claims listed on pages 13894–  
22                 13895 of volume 48 of the Federal Reg-  
23                 ister, published on March 31, 1983, except  
24                 for claims numbered 002 and 004.



1           (2) RULE OF CONSTRUCTION.—Nothing in this  
2    Act (including paragraph (1)) shall be construed—

3           (A) to in any way effectuate an extinguish-  
4    ment of or otherwise impair—

5           (i) the Pueblo’s title to lands acquired  
6           by or for the benefit of the Pueblo since  
7           December 28, 1927, or in a tract of land  
8           of approximately 150.14 acres known as  
9           the “sliver area” and described on a plat  
10          which is appendix H to the Settlement  
11          Agreement;

12          (ii) the Pueblo’s title to land within  
13          the Santo Domingo Pueblo Grant which  
14          the Pueblo Lands Board found not to have  
15          been extinguished; or

16          (iii) the Pueblo’s water rights appur-  
17          tenant to the lands described in clauses (i)  
18          and (ii); and

19          (B) to expand, reduce, or otherwise impair  
20          any rights which the Pueblo or its members  
21          may have under existing Federal statutes con-  
22          cerning religious and cultural access to and  
23          uses of the public lands.

24          (3) CONFIRMATION OF DETERMINATION.—The  
25          Pueblo Lands Board’s determination on page 1 of

1 its Report of December 28, 1927, that Santo Do-  
2 mingo Pueblo title, derived from the Santo Domingo  
3 Pueblo Grant to the lands overlapped by the La  
4 Majada, Sitio de Juana Lopez and Mesita de Juana  
5 Lopez Grants has been extinguished is hereby con-  
6 firmed as of the date of that Report.

7 (4) TRANSFERS PRIOR TO ENACTMENT.—

8 (A) IN GENERAL.—In accordance with the  
9 Settlement Agreement, any transfer of land or  
10 natural resources, prior to the date of enact-  
11 ment of this Act, located anywhere within the  
12 United States from, by, or on behalf of the  
13 Pueblo, or any of the Pueblo's members, shall  
14 be deemed to have been made in accordance  
15 with the Act of June 30, 1834 (4 Stat. 729;  
16 commonly referred to as the Trade and Inter-  
17 course Act), section 17 of the Act of June 7,  
18 1924 (43 Stat. 641; commonly referred to as  
19 the Pueblo Lands Act), and any other provision  
20 of Federal law that specifically applies to trans-  
21 fers of land or natural resources from, by, or on  
22 behalf of an Indian tribe, and such transfers  
23 shall be deemed to be ratified effective as of the  
24 date of the transfer.

1 (B) RULE OF CONSTRUCTION.—Nothing in  
2 subparagraph (A) shall be construed to affect  
3 or eliminate the personal claim of any indi-  
4 vidual Indian which is pursued under any law  
5 of general applicability that protects non-Indi-  
6 ans as well as Indians.

7 (5) EFFECTIVE DATE.—The provisions of para-  
8 graphs (1), (3), and (4) shall take effect upon the  
9 entry of a compromise final judgment, in a form and  
10 manner acceptable to the Attorney General, in the  
11 amount of \$8,000,000 in the case of Pueblo of  
12 Santo Domingo v. United States (Indian Claims  
13 Commission docket No. 355). The judgment so en-  
14 tered shall be paid from funds appropriated pursu-  
15 ant to section 1304 of title 31, United States Code.

16 (b) TRUST FUNDS; AUTHORIZATION OF APPROPRIA-  
17 TIONS.—

18 (1) ESTABLISHMENT.—There is hereby estab-  
19 lished in the Treasury a trust fund to be known as  
20 the “Pueblo of Santo Domingo Land Claims Settle-  
21 ment Fund”. Funds deposited in the Fund shall be  
22 subject to the following conditions:

23 (A) The Fund shall be maintained and in-  
24 vested by the Secretary of the Interior pursuant  
25 to the Act of June 24, 1938 (25 U.S.C. 162a).

1           (B) Subject to the provisions of paragraph  
2           (3), monies deposited into the Fund may be ex-  
3           pended by the Pueblo to acquire lands within  
4           the exterior boundaries of the exclusive aborigi-  
5           nal occupancy area of the Pueblo, as described  
6           in the Findings of Fact of the Indian Claims  
7           Commission, dated May 9, 1973, and for use  
8           for education, economic development, youth and  
9           elderly programs, or for other tribal purposes in  
10          accordance with plans and budgets developed  
11          and approved by the Tribal Council of the  
12          Pueblo and approved by the Secretary.

13          (C) If the Pueblo withdraws monies from  
14          the Fund, neither the Secretary nor the Sec-  
15          retary of the Treasury shall retain any over-  
16          sight over or liability for the accounting, dis-  
17          bursement, or investment of such withdrawn  
18          monies.

19          (D) No portion of the monies described in  
20          subparagraph (C) may be paid to Pueblo mem-  
21          bers on a per capita basis.

22          (E) The acquisition of lands with monies  
23          from the Fund shall be on a willing-seller, will-  
24          ing-buyer basis, and no eminent domain author-  
25          ity may be exercised for purposes of acquiring

1 lands for the benefit of the Pueblo pursuant to  
2 this Act.

3 (F) The provisions of Public Law 93–134,  
4 governing the distribution of Indian claims  
5 judgment funds, and the plan approval require-  
6 ments of section 203 of Public Law 103–412  
7 shall not be applicable to the Fund.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—  
9 There are authorized to be appropriated  
10 \$15,000,000 for deposit into the Fund, in accord-  
11 ance with the following schedule:

12 (A) \$5,000,000 to be deposited in the fis-  
13 cal year which commences on October 1, 2001.

14 (B) \$5,000,000 to be deposited in the next  
15 fiscal year.

16 (C) The balance of the funds to be depos-  
17 ited in the third consecutive fiscal year.

18 (3) LIMITATION ON DISBURSAL.—Amounts au-  
19 thorized to be appropriated to the Fund under para-  
20 graph (2) shall not be disbursed until the following  
21 conditions are met:

22 (A) The case of Pueblo of Santo Domingo  
23 v. Rael (No. CIV–83–1888) in the United  
24 States District Court for the District of New  
25 Mexico, has been dismissed with prejudice.

1 (B) A compromise final judgment in the  
2 amount of \$8,000,000 in the case of Pueblo of  
3 Santo Domingo v. United States (Indian Claims  
4 Commission docket No. 355) in a form and  
5 manner acceptable to the Attorney General, has  
6 been entered in the United States Court of  
7 Federal Claims in accordance with subsection  
8 (a)(5).

9 (4) DEPOSITS.—Funds awarded to the Pueblo  
10 consistent with subsection (c)(2) in docket No. 355  
11 of the Indian Claims Commission shall be deposited  
12 into the Fund.

13 (c) ACTIVITIES UPON COMPROMISE.—On the date of  
14 the entry of the final compromise judgment in the case  
15 of Pueblo of Santo Domingo v. United States (Indian  
16 Claims Commission docket No. 355) in the United States  
17 Court of Federal Claims, and the dismissal with prejudice  
18 of the case of Pueblo of Santo Domingo v. Rael (No. CIV–  
19 83–1888) in the United States District Court for the Dis-  
20 trict of New Mexico, whichever occurs later—

21 (1) the public lands administered by the Bureau  
22 of Land Management and described in section 6 of  
23 the Settlement Agreement, and consisting of ap-  
24 proximately 4,577.10 acres of land, shall thereafter  
25 be held by the United States in trust for the benefit

1 of the Pueblo, subject to valid existing rights and  
2 rights of public and private access, as provided for  
3 in the Settlement Agreement;

4 (2) the Secretary of Agriculture is authorized to  
5 sell and convey National Forest System lands and  
6 the Pueblo shall have the exclusive right to acquire  
7 these lands as provided for in section 7 of the Settle-  
8 ment Agreement, and the funds received by the Sec-  
9 retary of Agriculture for such sales shall be depos-  
10 ited in the fund established under the Act of Decem-  
11 ber 4, 1967 (16 U.S.C. 484a) and shall be available  
12 to purchase non-Federal lands within or adjacent to  
13 the National Forests in the State of New Mexico;

14 (3) lands conveyed by the Secretary of Agri-  
15 culture pursuant to this section shall no longer be  
16 considered part of the National Forest System and  
17 upon any conveyance of National Forest lands, the  
18 boundaries of the Santa Fe National Forest shall be  
19 deemed modified to exclude such lands;

20 (4) until the National Forest lands are con-  
21 veyed to the Pueblo pursuant to this section, or until  
22 the Pueblo's right to purchase such lands expires  
23 pursuant to section 7 of the Settlement Agreement,  
24 such lands are withdrawn, subject to valid existing  
25 rights, from any new public use or entry under any

1 Federal land law, except for permits not to exceed  
2 1 year, and shall not be identified for any disposition  
3 by or for any agency, and no mineral production or  
4 harvest of forest products shall be permitted, except  
5 that nothing in this subsection shall preclude forest  
6 management practices on such lands, including the  
7 harvest of timber in the event of fire, disease, or in-  
8 sect infestation; and

9 (5) once the Pueblo has acquired title to the  
10 former National Forest System lands, these lands  
11 may be conveyed by the Pueblo to the Secretary of  
12 the Interior who shall accept and hold such lands in  
13 the name of the United States in trust for the ben-  
14 efit of the Pueblo.

15 **SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF**  
16 **SANTO DOMINGO PUEBLO GRANT.**

17 (a) IN GENERAL.—The boundaries of the Santo Do-  
18 mingo Pueblo Grant, as determined by the 1907 Hall-Joy  
19 Survey, confirmed in the Report of the Pueblo Lands  
20 Board, dated December 28, 1927, are hereby declared to  
21 be the current boundaries of the Grant and any lands cur-  
22 rently owned by or on behalf of the Pueblo within such  
23 boundaries, or any lands hereinafter acquired by the Pueb-  
24 lo within the Grant in fee simple absolute, shall be consid-



1   ered to be Indian country within the meaning of section  
2   1151 of title 18, United States Code.

3       (b) LIMITATION.—Any lands or interests in lands  
4   within the Santo Domingo Pueblo Grant, that are not  
5   owned or acquired by the Pueblo, shall not be treated as  
6   Indian country within the meaning of section 1151 of title  
7   18, United States Code.

8       (c) ACQUISITION OF FEDERAL LANDS.—Any Federal  
9   lands acquired by the Pueblo pursuant to section 5(c)(1)  
10  shall be held in trust by the Secretary for the benefit of  
11  the Pueblo, and shall be treated as Indian country within  
12  the meaning of section 1151 of title 18, United States  
13  Code.

14       (d) LAND SUBJECT TO PROVISIONS.—Any lands ac-  
15  quired by the Pueblo pursuant to section 5(c), or with  
16  funds subject to section 5(b), shall be subject to the provi-  
17  sions of section 17 of the Act of June 7, 1924 (43 Stat.  
18  641; commonly referred to as the Pueblo Lands Act).

19       (e) RULE OF CONSTRUCTION.—Nothing in this Act  
20  or in the Settlement Agreement shall be construed to—

21           (1) cloud title to federally administered lands or  
22       non-Indian or other Indian lands, with regard to  
23       claims of title which are extinguished pursuant to  
24       section 5; or

1           (2) affect actions taken prior to the date of en-  
2       actment of this Act to manage federally adminis-  
3       tered lands within the boundaries of the Santo Do-  
4       mingo Pueblo Grant.

Passed the Senate October 11 (legislative day, Sep-  
tember 22), 2000.

Attest:

GARY SISCO,  
*Secretary.*